



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 18.11.2019

CORAM

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.345 of 2019
and
C.M.P. (MD)No.7970 of 2019

Sivagami

.. Petitioner

Vs.

Karuppasamy

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.No.49 of 2019 on the file of the Principal Sub Court, Kovilpatti to Principal Subordinate Court, Valliyoor.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.M.Jeyarama Chandran

ORDER

The above application has been filed by the wife seeking transfer of the divorce petition filed by the husband before the learned Principal Sub Judge, Kovilpatti in H.M.O.P.No.49 of 2019 to the file of the learned Principal Sub Judge, Valliyoor.

2.From the statement made by the learned counsel appearing on behalf of the petitioner, it is apparent that the husband has not been giving any maintenance I.e from August 2017. In this circumstances, it would not be fair on the part of the husband to drag the wife to the Sub Court, Kovilpatti. The reasons given in the affidavit and the statement made by the learned counsel appearing on behalf of the petitioner, appear to have force.

3.Though such plea is vehemently opposed by the learned counsel for the respondent, this Court is inclined to grant transfer on the ground that the respondent to-date has not given a single penny towards maintenance of the wife. Therefore, the petition in H.M.O.P.No.49 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Sub Court, Kovilpatti, to the file of Principal Sub Court, Valliyoor. The learned Principal Subordinate Judge, Kovilpatti, is directed to transmit the entire records in H.M.O.P.No.49 of 2019 to the Principal Sub Court, Valliyoor. The learned Principal Subordinate Judge, Valliyoor, is directed to conduct trial in H.M.O.P.No.49 of 2019 and dispose of the same on merits and in accordance with law.



4.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The Principal Subordinate Judge, Kovilpatti.

2.The Principal Subordinate Judge, Valliyoor.

Tr.C.M.P.(MD)No.345 of 2019

18.11.2019

SMA/17/12/19/2P/3C